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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

AWA Docket No. ~~15-00~~JEFFREY W. ASH, an individual doing)
business as ASHVILLE GAME FARM;)
and AARON BLOOM, an individual doing)
business as ADIRONDACK FAMILY)
ZOO,)16-0010
16-0011

Respondents,

COMPLAINT

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(AWA or Act), and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.)(Regulations and Standards). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Jeffrey W. Ash is an individual doing business as Ashville Game Farm, and whose business mailing address is 468 Lick Springs Road, Greenwich, New York 12834. As alleged herein, respondent Ash operated as an exhibitor and/or dealer, as those terms are defined in the Act and the Regulations. Respondent Ash held AWA license 21-C-0359 from approximately April 2010 until November 18, 2012, when an order of the Secretary of Agriculture terminating that license became final and effective. *In re Jeffrey W. Ash, dba Ashville Game Farm*, AWA Docket No. 11-0380. On April 16, 2014, AWA license 21-C-0359 was revoked by order of the Secretary. *In re Jeffrey W. Ash, dba Ashville Game Farm; and Ashville Game Farm, Inc.*, AWA Docket No. 12-0296.

2. Respondent Aaron Bloom is an individual doing business as Adirondack Family Zoo,

and whose business mailing address is 424 Anthony Road, Greenwich, New York 12834. As alleged herein, said respondent operated as an exhibitor and/or dealer, as those terms are defined in the Act and the Regulations. Respondent Bloom has never held an AWA license.

ALLEGATIONS REGARDING SIZE OF BUSINESS, GRAVITY OF VIOLATIONS, GOOD FAITH AND HISTORY OF PREVIOUS VIOLATIONS

2. Respondent Ash represented to APHIS that he held 38 animals in 2012. The allegations in this complaint involve respondent Ash's unlicensed exhibition of animals, mishandling of animals, and circumvention of the Secretary's order terminating his AWA license. Respondent Ash resolved two previous AWA cases involving the handling of tigers by way of stipulations (NY 06038 and NY 06120). On April 29, 2011, respondent Ash was convicted of reckless endangerment, second degree, a violation of section 120.20 of the New York Penal Code, for having improperly caged animals, including lemurs, monkeys, and bears, at his facility, and encouraging visitors to feed and have contact with the animals. Respondent Ash has not shown good faith, specifically, by continuing to engage in regulated activity without holding a valid AWA license, and by circumventing the Secretary's order terminating his AWA license.

3. Respondent Bloom represented to APHIS that he held 38 animals in 2012, and 58 animals in 2014. The allegations in this complaint involve respondent Bloom's unlicensed exhibition of animals, and mishandling of animals. Respondent Bloom has not shown good faith, and has participated in efforts by respondent Ash to circumvent the Secretary's order terminating respondent Ash's AWA license.

ALLEGED VIOLATIONS

4. From approximately November 18, 2012, through approximately June 1, 2013, respondent Ash operated as an exhibitor and/or dealer, as those terms are used in the Act and the

Regulations, without holding a valid license, in willful violation of the Regulations. 9 C.F.R. § 2.1(a).

5. On or about May 31, 2013, at Six Flags' Great Escapes Theme Park, in Queensbury, New York, respondent Bloom operated as an exhibitor, as that term is used in the Act and the Regulations, without holding a valid license, in willful violation of the Regulations. 9 C.F.R. § 2.1(a).

6. On or about May 31, 2013, at Six Flags' Great Escapes Theme Park, in Queensbury, New York, respondents Ash and Bloom failed to handle animals as carefully as possible in a manner that would not cause overheating, physical pain, stress, or discomfort, in willful violation of the Regulations, and specifically, respondents Ash and Bloom exhibited an infant (two-week old) arctic fox in an manner that caused the fox to overheat, and to suffer physical pain, stress and discomfort, and the arctic fox died later that day. 9 C.F.R. § 2.131(b)(1).

7. On or about May 31, 2013, at Six Flags' Great Escapes Theme Park, in Queensbury, New York, respondents Ash and Bloom exhibited animals, including an infant arctic fox, for periods of time and under conditions that were inconsistent with the animals' good health and well-being, in willful violation of the Regulations. 9 C.F.R. § 2.131(d)(1).

8. On or about May 31, 2013, at Six Flags' Great Escapes Theme Park, in Queensbury, New York, respondents Ash and Bloom failed to take appropriate measures to alleviate the impact of climatic conditions that presented a threat to the health of an infant arctic fox, in willful violation of the Regulations, and said respondents subjected the fox to a combination of temperature and time that was detrimental to the animal's health and well-being. 9 C.F.R. § 2.131(e).


WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the regulations issued under the Act, this

complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

APHIS requests that unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 8th day of ~~July~~ 2015

Oct.



Administrator
Animal and Plant Health Inspection Service

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